

RESOLUTION NO. _____, SERIES 2007

A RESOLUTION AUTHORIZING THE OFFICE OF THE JEFFERSON COUNTY ATTORNEY TO BRING A CONDEMNATION ACTION AGAINST THE OWNER OF CERTAIN PROPERTY IN JEFFERSON COUNTY IN CONNECTION WITH THE BROWNSBORO ROAD/NEW CHAMBERLAIN LANE PROJECT (PARCELS 26 AND 27).

Sponsored By: Councilman Kelly Downard

WHEREAS, the Louisville/Jefferson County Metro Government ("Metro"), pursuant to KRS 67C.101 (3)(f) may acquire real property for public uses through the exercise of the power of eminent domain; and

WHEREAS, KRS 416.560(1) requires the legislative council of Metro ("Council") to approve the exercise of the power of eminent domain prior to Metro's instituting such proceedings; and

WHEREAS, Metro (as successor to Jefferson County and the City of Louisville) has planned and designed improvements to Brownsboro Road and New Chamberlain Lane, Kentucky 22-Section II, Item No. 5-320.20 (the "Project"), in conjunction with Louisville/Jefferson County Metro Government, Department of Public Works and Assets; and

WHEREAS, as a part of the improvements, it is necessary to acquire additional rights of way and temporary construction easements to widen Kentucky Highway 22 for the use and benefit of the citizens of Metro; and

WHEREAS, Metro has not been able to acquire the rights of way and easements described as portions of Parcel 26 and portions of Parcel 27 in the descriptions attached hereto as Exhibit A ("Condemned Property") from the owner of the Condemned Property through good faith negotiations; and

WHEREAS, KRS 416.550 authorizes Metro to exercise its right of eminent domain against a property when it cannot acquire the property by agreement with the owner thereof.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (THE COUNCIL) AS FOLLOWS:

Section 1: That in order to complete the improvements to Brownsboro Road and New Chamberlain Lane, Metro Government needs to acquire the Condemned Property, as described on attached Exhibit A and platted as Parcel 26 and Parcel 27 on the plat map attached hereto as Exhibit B. The Condemned Property is a portion of the property acquired by Irwin Investment, LLC, a Kentucky Limited Liability Company by deeds dated August 19, 2006, of record in Deed Book 8888, Pages 817, 820, 824 and 827, respectively, in the Office of the County Clerk of Jefferson County, Kentucky.

Citizens Union Bank & Trust Company may have an interest in the property pursuant to a Mortgage, dated March 2, 2006, filed of record in Mortgage Book 9946, Page 461, in the Office aforesaid.

Richard Otis Sims may have an interest in the property pursuant to a Vendors' Lien retained in a deed, dated October 3, 1983, filed of record in Deed Book 5380, Page 581, in the Office aforesaid.

Parcel 26 and Parcel 27 are subject of easements of various public utilities including Louisville Gas and Electric Company and the Louisville Water Company.

Since Metro cannot, by agreement with the owners of the Condemned Property, acquire the Condemned Property, then the Office of the Jefferson County Attorney is authorized to institute condemnation proceedings pursuant to KRS 416.560, *et seq.* against the owners of the Condemned Property.

Section 2: That the Council finds that the Condemned Property needs to be acquired for the public use of Metro.

SECTION III: This Resolution shall take effect upon its passage and approval.

Kathleen J. Herron
Metro Council Clerk

Rick Blackwell
President of the Council

Jerry E. Abramson
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Irv Maze
Jefferson County Attorney

BY: _____

Exhibit A

Parcel No. 26, A fee simple interest

Beginning at a point 44.82 feet right of KY 22 station 282+98.92; thence North 56 degrees 56 minutes 55 seconds East, 348.38 feet to a point 4.37 feet right of KY 22 station 286+46.42; thence South 15 degrees 34 minutes 31 seconds East, 71.55 feet to a point 75.00 feet right of KY 22 station 286+34.89; thence 152.50 feet along an arc to the left, having a radius of 5925.00 feet, the chord of which is South 64 degrees 25 minutes 26 seconds West, 152.50 feet to a point 75.00 feet right of KY 22 station 284+80.46; thence South 62 degrees 41 minutes 36 seconds West, 186.06 feet to a point 75.30 feet right of KY 22 station 282+92.03; thence North 15 degrees 27 minutes 57 seconds West, 31.24 feet to the point of beginning.

The above described parcel contains .381 acres (16,599 sq. ft.).

Parcel No. 26A,

A temporary easement to the property described below for the purpose of entrance and slope construction and building removal; said easement terminates and reverts upon completion of same.

Beginning at a point 75.30 feet right of KY 22 station 282+92.03; thence North 62 degrees 41 minutes 36 seconds East, 186.06 feet to a point 75.00 feet right of KY 22 station 284+80.46; thence 152.50 feet along an arc to the right, having a radius of 5925.00 feet, the chord of which is North 64 degrees 25 minutes 26 seconds East, 152.50 feet to a point 75.00 feet right of KY 22 station 286+34.89; thence South 15 degrees 34 minutes 31 seconds East, 25.33 feet to a point 100.00 feet right of KY 22 station 286+30.75; thence South 64 degrees 57 minutes 03 seconds West, 35.15 feet to a point 100.00 feet right of KY 22 station 285+95.00; thence S 13 degrees 44 minutes 09 seconds East, 48.99 feet to a point 148.00 feet right of KY 22 station 285+85.00; thence South 75 degrees 46 minutes 18 seconds West, 114.06 feet to a point 125.00 feet right of KY 22 station 284+70.68; thence South 15 degrees 28 minutes 11 seconds East, 76.41 feet to a point 200.00 feet right of KY 22 station 284+55.68; thence South 75 degrees 04 minutes 32 seconds West, 104.69 feet to a point 178.00 feet right of KY 22 station 283+50.00; thence North 27 degrees 33 minutes 33 seconds West, 78.00 feet to a point 100.00 feet right of KY 22 station 283+50.00; thence North 60 degrees 53 minutes 15 seconds West, 17.94 feet to a point 85.00 feet right of KY 22 station 283+40.00; thence South 62 degrees 06 minutes 20 seconds West, 49.47 feet to a point 85.00 feet right of KY 22 station 282+89.82; thence North 15 degrees 27 minutes 57 seconds West, 9.94 feet to the point of beginning.

The above described parcel contains .504 acres (21,969 sq. ft.).

Being portions of the property acquired by Irwin Investment, LLC, a Kentucky Limited Liability Company by deeds dated August 19, 2006, of record in Deed Book 8888, Page 817 and Deed Book 8888, Page 820, in the Office of the County Clerk of Jefferson County, Kentucky.

Parcel No. 27

A fee simple interest

Beginning at a point 6.20 feet left of KY 22 station 283+04.35; thence North 24 degrees 14 minutes 30 seconds West, 68.95 feet to a point 75.00 feet left of KY 22 station 283+08.81; thence 336.63 feet along an arc to the right, having a radius of 6075.00 feet, the chord of which is North 63 degrees 38 minutes 05 seconds East, 336.59 feet to a point 75.00 feet left of KY 22 station 286+41.28; thence South 1 degrees 46 minutes 02 seconds West, 10.26 feet to a point 65.83 feet left of KY 22 station 286+36.75; thence South 57 degrees 22 minutes 46 seconds West, 59.81 feet to a point 58.00 feet left of KY 22 station 285+78.06; thence South 56 degrees 54 minutes 31 seconds West, 64.94 feet to a point 49.63 feet left of KY 22 station 285+14.23; thence South 25 degrees 59 minutes 53 seconds East, 19.59 feet to a point 30.04 feet left of KY 22 station 285+14.24; thence South 56 degrees 32 minutes 48 seconds West, 211.85 feet to the point of beginning.

The above described parcel contains .325 acres (14,178 sq. ft.).

Parcel No. 27A

A fee simple interest

Beginning at a point 45.54 feet left of KY 1694 station 52+83.13; thence South 60 degrees 13 minutes 47 seconds West, 20.54 feet to a point 64.00 feet left of KY 1694 station 52+74.49; thence 10.10 feet along an arc to the right, having a radius of 1364.00 feet, the chord of which is North 3 degrees 43 minutes 54 seconds West, 10.10 feet to a point 64.00 feet left of KY 1694 station 52+84.11; thence North 68 degrees 25 minutes 10 seconds East, 20.12 feet to a point 44.89 feet left of KY 1694 station 52+90.14; thence South 1 degrees 45 minutes 19 seconds West, 7.28 feet to the point of beginning.

The above described parcel contains .004 acres (160 sq. ft.).

Parcel No. 27B

A temporary easement to the property described below for the purpose of entrance and slope construction; said easement terminates and reverts upon completion of same.

Beginning at a point 75.00 feet left of KY 22 station 283+08.81; thence North 24 degrees 14 minutes 30 seconds West, 10.02 feet to a point 85.00 feet left of KY 22 station 283+09.45; thence North 62 degrees 14 minutes 50 seconds East, 41.12 feet to a point 85.00 feet left of KY 22 station 283+50.00; thence North 27 degrees 33 minutes 33 seconds West, 15.00 feet to a point 100.00 feet left of KY 22 station 283+50.00; thence North 62 degrees 40 minutes 46 seconds East, 50.83 feet to a point 100.00 feet left of KY 22 station 284+00.00; thence South 27 degrees 04 minutes 55 seconds East, 15.00 feet to a point 85.00 feet left of KY 22 station 284+00.00; thence 182.55 feet along an arc to the right, having a radius of 6085.00 feet, the chord of which is North 63 degrees 46 minutes 39 seconds East, 182.54 feet to a point 85.00 feet left of KY 22 station 285+80.00; thence North 25 degrees 21 minutes 47 seconds West, 25.00 feet to a point 110.00 feet left of KY 22 station 285+80.00; thence North 64 degrees 53 minutes 59 seconds East, 56.01 feet to a point 110.00 feet left of KY 22 station 286+35.00; thence South 49 degrees 16 minutes 49 seconds East, 27.47 feet to a point 85.00 feet left of KY 22 station 286+46.21; thence South 1 degrees 46 minutes 02 seconds West, 11.18 feet to a point 75.00 feet left of KY 22 station 286+41.28; thence 336.63 feet along an arc to the left, having a radius of 6075.00 feet, the chord of which is South 63 degrees 38 minutes 05 seconds West, 336.59 feet to the point of beginning.

The above described parcel contains .131 acres (5,687 sq. ft.).

Parcel No. 27C

A temporary easement to the property described below for the purpose of grading; said easement terminates and reverts upon completion of same.

Beginning at a point 64.00 feet left of KY 1694 station 52+74.49; thence SOUTH 60 degrees 13 minutes 47 seconds West, 17.75 feet to a point 80.00 feet left of KY 1694 station 52+67.20; thence NORTH 50 degrees 18 minutes 25 seconds West, 13.85 feet to a point 90.00 feet left of KY 1694 station 52+76.19; thence NORTH 68 degrees 25 minutes 10 seconds East, 27.32 feet to a point 64.00 feet left of KY 1694 station 52+84.11; thence 10.10 feet along an arc to the left, having a radius of 1364.00 feet, the chord of which is SOUTH 3 degrees 43 minutes 54 seconds East, 10.10 feet to the point of beginning.

The above described parcel contains .006 acres (246 sq. ft.).

Being portions of the property acquired by Irwin Investment, LLC, a Kentucky Limited Liability Company by deeds dated August 19, 2006, of record in Deed Book 8888, Page 824 and Deed Book 8888, Page 827, respectively, in the Office of the County Clerk of Jefferson County, Kentucky.